D.B. CIVIL WRIT PETITION No.3736/2006
(Mohan Lal & Anr. Vs. State & Ors.)

Date of order : 13.11.2006

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. K.S. Yadav with
Mr. K.K. Maharshi, for the petitioners.
Mr. P.C. Sharma, for the Housing Board.
Mr. S.G. Ojha, for the UIT.
Mr. L.R. Upadhyay, Govt. Advocate.

Having heard learned counsel for the petitioners, we find that they have not been able to make out where the problem lies and what is the problem with the road. As a matter of fact, a rough sketch on the basis of which, learned counsel for the petitioners tried to explain that where they want the road to be connected with the proposed road which links it with the Sangaria Link Road, bifurcating from Jodhpur Pali Road towards Sangaria is already joined with a road but what their real problem is that they want to make it straight without a curve through a private colony which, in our opinion, is not the scope of PIL. From the report submitted by the Housing Board, it is clear that the land on which the petitioners seek to construct the road is passing through the private land about which the title is disputed. In the facts and circumstances of the case, no directions can be issued to the respondents in this regard.

It further appears that this road is being sought by persons interested who either have encroached upon already existing part of the road or who want to sell the land falling under the said road to reap the fruits of higher price by getting a road constructed through other land to secure unjust encroachments. The District Administration is directed to remove all existing encroachments, if any, on such existing road.

The petition is dismissed.

(GOPAL KRISHAN VYAS), J. (RAJESH BALIA), J.

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